

REMARKS

Applicant has filed the present Amendment and Response in reply to the outstanding Official Action of September 18, 2007, and the Applicant believes the Amendment and Response to be fully responsive to the Official Action for at least the reasons set forth herein.

Applicant would like to thank the Examiner for indicating that claims 6, 21, 36, 42, 58, 70 and 76 have allowable subject matter and would be allowed if rewritten in independent form including all of the limitations of the base claim and all intervening claims. Accordingly, independent claims 1, 15, 30, 43, 55 and 67 have been rewritten incorporating the subject matter of allowable claims 6, 21, 36, 46, 58 and 70, respectively. Applicant submits that the independent claims should be allowed in view of the aforementioned amendments.

Additionally, Applicant notes that independent claims 13, 14, 28, 29, 53, 54, 65 and 66 have been amended. Each of the above-identified independent claims have been amended to recite similar limitations as the allowable claims, e.g., the server temporarily storing the instant voice message if a selected recipient is unavailable and delivering the stored instant voice message to the selected recipient once the selected recipient becomes available or temporarily storing at the server the instant voice message if a selected recipient is unavailable and delivering from the server the stored instant voice message to the selected recipient once the selected recipient becomes available. Claims 6, 21, 36, 46, 58 and 70 have been cancelled. No new matter has been added to the application by way of the aforementioned amendments. Applicant submits that all of the pending claims should be allowable in view of the aforementioned amendments.

Claims 1-3, 5, 11-18, 26-29, 43, 45, 51-54, 65, and 66 were rejected under 35 U.S.C. § 102(e) as being anticipated by McZeal Jr., U.S. Patent No. 6,763,226. Claims 4, 19, 20, and 44 were rejected under § 103(a) as being unpatentable over McZeal, U.S. Patent No. 6,763,226 in view of Williams et al., U.S. Pat. Pub 2004/0252679 (Williams). Claims 7, 22 and 47 were rejected under 35 U.S.C § 103(a) as being unpatentable over McZeal in view of Sagi et al., U.S. Pat. Pub. 2003/0087632. Claims 8, 23, and 48 were rejected under 35 U.S.C § 103(a) as being unpatentable over McZeal in view of Goodman et al., U.S. Pat. Pub 2004/0122906. Claims 9, 24 and 49 were rejected under 35 U.S.C § 103(a) as being unpatentable over McZeal in view of Gierachf, U.S. Pat. Pub 2005/0053230. Claims 10, 25 and 50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McZeal in view of Hollowell et al., U.S. Pat. Pub 2005/0105697.

Claims 30-33, 35, 41, 55, 57, 63, 64, 67, 69 and 75 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McZeal in view of Monroe, U.S. Patent No. 6,970,183. Claims 34, 56 and 68 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McZeal, Williams and Monroe. Claims 37, 59 and 71 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McZeal, Sagi in view of Monroe.

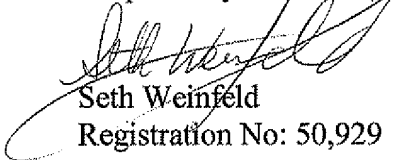
Claims 38, 60 and 72 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McZeal, Goodman and Monroe. Claims 39, 61 and 73 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McZeal, Gierachf and Monroe. Claims 40, 62 and 74 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McZeal, Hollowell in view of Monroe.

Applicant submits that the rejections set forth in the outstanding Official Action and listed above are rendered moot by the aforementioned amendments.

Based upon the foregoing, Applicant respectfully requests that the Examiner withdraw all of the pending rejections pursuant to either 35 U.S.C. § 102(e) or § 103(a).

In conclusion, the Applicant believes that the above-identified application is in condition for allowance and henceforth respectfully solicits the Examiner to allow the application. If the Examiner believes a telephone conference might expedite the allowance of this application, the Applicant respectfully requests that the Examiner call the undersigned, Applicant's attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,



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